

SENATE BILL 827

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 41, relative to correctional
institutions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-4-121, is amended by adding the following as a new subsection:

(1) Notwithstanding this section, if a prisoner is pregnant, beginning on the date on which pregnancy is confirmed by a healthcare professional and ending at the conclusion of postpartum recovery, the pregnant prisoner shall not be removed to a state penitentiary or a branch prison for safekeeping, unless medically necessary for the health of the prisoner or the unborn child.

(2) "Postpartum recovery" means the six-week period, or longer as determined by the healthcare professional responsible for the prisoner's health care, following delivery, stillbirth, miscarriage, ectopic pregnancy, or other non-live birth outcome, and includes the entire period that the prisoner is in the hospital or infirmary, if applicable.

SECTION 2. Tennessee Code Annotated, Section 41-21-402, is amended by adding the following new subsection:

(c) Solitary confinement is prohibited for pregnant inmates and inmates who have given birth within the past eight (8) weeks regardless of whether the purpose of confinement is for punishment or safekeeping, unless the inmate has demonstrated potential for self-harm, harm to the unborn child, or harm to other inmates or correction staff. A period of solitary confinement must be limited to the shortest time possible given

the safety situation. The reasons for the use of solitary confinement must be documented in the inmate's medical record as appropriate.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.